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10/584,125

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EXAMINER

KONG, SZE-HON

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/584,125 | BAUMANN ET AL. | |
| | Examiner | Art Unit | |
| | SZE-HON KONG | 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/26/2007 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 31, 37 and 57 are objected to because of the following informalities:

The term "a display area" (claim 37, line 2) should read "the display area" for reference to the same display area previous defined.

A comma ',' should be inserted after the term "vertically" (claim 37, line 5).

The term "means" (claim 31, line 3) should read "device".

The terms "a field" and "a cursor" (claim 57, line 1 and 2) should read "the field" and "the cursor" in reference to the elements in the depended claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 57 and 58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The features of changing the “shape” and “size” of a field and the cursor is not disclosed, suggested or described in the original specification. The original specification only describes changing color of a field and highlight of the cursor. The Applicant is requested to specifically point out where in the original specification suggests or describe these features.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30-41, 48, 49, 51, 52, 54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al. (6,636,197).

For claims 30-36, 39, Goldenberg discloses a control system for a motor vehicle, comprising: a manual actuating device with a plurality of degrees of freedom of adjustment for one of selecting and activating entries in a menu structure with a plurality of menu levels and a screen display having a plurality of display areas for displaying the menu structure, the display areas each comprising at least one field for displaying one of the entries, and, in an active display area in at least one menu level, at least one of a

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first and a second of the plurality of degrees of freedom of adjustment of the manual actuating device for at least one of selecting and activating one of the entries corresponding to an orientation of the entries displayed in an active display area, and at least one of a third and a fourth degree of freedom of adjustment of the manual actuating device; further including at least one of a fifth and sixth degree of freedom of adjustment of the manual actuating means for redundantly selecting the at least one entry displayed in the active display area; wherein the fields with the entries are arranged at least one of with a vertical orientation in a y direction and with a horizontal orientation in an x direction in the individual display areas; wherein, when the entries are oriented vertically and horizontally in the active display area, the first degree of freedom of adjustment results from pushing the manual actuating device in the positive y direction, the second degree of freedom of adjustment results from pushing the manual actuating device in the negative y direction, the third degree of freedom of adjustment results from pushing the manual actuating device in the positive x direction, the fourth degree of freedom of adjustment results from pushing the manual actuating device in the negative x direction, the fifth degree of freedom of adjustment results from rotating the manual actuating device in the clockwise direction about a z axis which is perpendicular to the xy plane, and the sixth degree of freedom of adjustment results from rotating the manual actuating device in the counter clockwise direction about the z axis (Fig. 1, 4E, col. 3, line 66 – col. 4, line 20, col. 6, lines 16-55, col. 24, lines 57-64); where in, the activation of that selected entry of the active display area which is assigned to an application or a function or a subfunction or an option is carried out by

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means of a seventh degree of freedom of adjustment of the manual actuating device, a push movement (Col. 24, lines 46-55, col. 25, lines 33-56); wherein, the activation of that entry in one of the display areas which is assigned to a status display is carried out as a function of a current system state which is determined by a control and evaluation unit and is determined by evaluating signals of vehicle systems (Col. 11, lines 1-19); the screen display has at least a first display area with a constant graphic basis structure over all the menu levels of the menu structure (Fig. 1).

Goldenberg discloses switching the options or menus by adjusting the manual actuating device (Fig. 1, col. 4, lines 47-63, col. 15, lines 3-8), but does not specifically disclose adjusting the manual actuating device for exiting the active display area which is respectively orthogonal to the orientation of the displayed entries. However, it would have been obvious that after switching of the options or menus with respect to the figure 1, the manual actuating device would be adjusted upward, orthogonal to the orientation of the displayed entries of modes for exiting the active display area. It is also a known technique for navigating between different menus or workspace in various directions depending on the orientation of the displayed entries that is a matter of design choice on how the entries on display areas are being oriented.

For claims 37 and 38, Goldenberg does not specifically disclose when there are a plurality of entries in a display area, the width of the individual fields when the entries are arranged horizontally is dependent on the length of the respective entry, and when the entries are arranged vertically said width is dependent on the length of the longest

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entry; and the field width when the entries are arranged horizontally is dependent on the number of entries to be displayed in this display area. However, it is a matter of obvious design choice for one of ordinary skill in the art to arrange and adjust the width of the fields by the length of the entry and by the number of entries to provide complete view of each entry of each field or to provide all entries for view on the display. These are well known and common presentation methods for view ability and layouts.

For claim 40, Goldenberg discloses the screen display has at least a second display area with a graphic basis structure 22 which is variable as a function of an active menu level of the menu structure (Fig. 1).

For claims 41 and 48, Goldenberg discloses display a first menu level of the menu structure on the screen display, a plurality of separate, vertically arranged display areas, at least one of which can be activated, are provided (Fig. 1); wherein, at least one of the number and the graphic display and contents of the entries to be displayed in the display areas are one of variable and constant as a function of one of current system states, current mode and of a current menu level and of a currently activated application, mode (Fig. 1, col. 4, lines 1-20 and 47-63).

For claim 49, Goldenberg discloses a presettable application can be displayed in at least one of the first display areas, the number and the position of the entries to be displayed being constant as a function of the preset application, and the contents and

the graphic display of the entries to be displayed being one of variable and constant as a function of current system states, where the adjustable values are displayed in a display area associated with the selected system mode (Fig. 1).

For claims 51 and 52, Goldenberg discloses at least one of the first display areas is configured as an application line for displaying an application group with various selectable and predefinable applications, the mode selections at the first display area in figure 1, the number and position of the entries to be displayed being constant, and the graphic display of the entries to be displayed being variable as a function of an activated application; the second display areas, the volume adjusting area, is configured as an application area for displaying details and controlling a selected and activated application, the number and the position and the graphic display of the entries to be displayed being dependent on the activated application, according to the selected display and control mode (Fig. 1, col. 4, lines 47-66).

For claim 54, Goldenberg discloses a cursor 34 can be moved over the screen display by the manual actuating device in order to select at least one entry displayed on the screen display (Fig. 1).

For claims 56, Goldenberg discloses the cursor can be displayed graphically as an independent object on the screen display 34 or by changing the graphic display of a currently selected field (Fig. 1, col. 2, lines 27-36); a field which is selected with a cursor

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changes at least one of its colored display and its shape and its size (Col. 5, lines 47-56).

8. Claims 42-46 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al. (6,636,197) as applied to claims 39 and 48 above, and further in view of Matsumoto et al. (US 2002/0007487 A1).

For claims 42-46, Goldenberg does not specifically disclose when an entry of an active display area is activated in the individual menu levels of the menu structure, a submenu which is dependent on the activated entry is opened in at least one further level of the menu structure, and by activating at least one of the display areas it can be displayed in said area; an opened submenu can be displayed in the active display area and in at least one other of the display areas by means of an overlap of the graphic basic structure; wherein a plurality of the submenus are displayed simultaneously on the screen display in the at least one further submenu of the menu structure; wherein, the plurality of submenus can be displayed with entries orientated vertically one next to the other; and wherein, a first of the plurality of submenus is opened and displayed in the first menu level of the menu structure as a function of an activation of an entry, and a second of the plurality of submenus is opened and displayed as a function of an activation of an entry in the associated first submenu. Matsumoto discloses a display having display areas a submenu dependent on the activated entry is opened in at least one further level of the menu structure and can be displayed in said area, an opened submenu can be displayed in the active display area and in at least one other of the

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display areas by means of an overlap of the graphic basic structure; a plurality of the submenus are displayed simultaneously on the screen display in the at least one further submenu of the menu structure; wherein, the plurality of submenus can be displayed with entries orientated vertically one next to the other; and wherein, a first of the plurality of submenus is opened and displayed in the first menu level of the menu structure as a function of an activation of an entry, and a second of the plurality of submenus is opened and displayed as a function of an activation of an entry in the associated first submenu (Fig. 9-14, paragraph 0054-0060). It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Goldenberg and Matsumoto to provide desirable submenus layouts according to multiple hierarchical levels.

For claim 53, Goldenberg does not specifically disclose at least one of the first display areas is configured as a subfunction line for displaying and selecting at least one of functions and subfunctions and options of an activated application, the number and the position and the graphic display of the entries to be displayed being dependent on the activated application. Matsumoto discloses one of the first display areas is configured as a subfunction line for displaying and selecting at least one of functions and subfunctions and options of an activated application, the number and the position and the graphic display of the entries to be displayed being dependent on the activated application (Fig. 8-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Goldenberg and

Matsumoto present subfunctions and options dependent on the activated application for conveniently display relevant and available functions and options of the activated application.

9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al. (6,636,197) and Matsumoto et al. (US 2002/0007487 A1) as applied to claim 46 above, and further in view of Volkel (6,104,399).

For claim 47, Goldenberg discloses switching and navigating between different menus and display areas (Fig. 1) but does not specifically disclose all the opened submenus are closed simultaneously by means of a pushing movement of the manual actuating device orthogonally with respect to the orientation of the entries of the active submenu away from the adjacent submenu, and in that only the active submenu is closed by means of a pushing movement of the manual actuating device orthogonally with respect to the orientation of the entries of the active submenu in the direction of the adjacent submenu, and the adjacent submenu is activated for a new selection of an entry. Matsumoto discloses expanding submenus in a direction (Fig. 9-11). It would have been obvious and known technique that when pushing the manual actuating device to the opposite, orthogonal direction with respect to the orientation of the entries of the active submenu, all the opened submenus will be closed simultaneously. Volkel discloses navigating between upper and lower submenus by pushing button at the direction opposite to the orientation of the active entries and closing all opened submenus entries (Fig. 2, col. 3, lines 10-45). It would have been obvious for one of

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ordinary skill in the art to combine the teachings of Goldenberg, Matsumoto, Volkel and known techniques of navigating menu entries to close all opened submenus by pushing movement of the manual actuating device orthogonally with respect to the orientation of the entries of the active submenu in the direction of the adjacent submenu for conveniently and quickly provide relevant menu options and entries.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al. (6,636,197) as applied to claim 48 above, and further in view of Rosen et al. (7,111,254).

For claim 50, Goldenberg does not specifically disclose at least one of the first display areas is configured as a status bar with at least one horizontally arranged field for displaying at least one status, the number, the position, the contents and the graphic display of the entries to be displayed being variable as a function of current system states and application states. However, it is well known in the user interface art to provide a status bar for presenting current states, active contents and various other information with respect to the current active application for providing useful information to the user. Rosen discloses a status bar for applications that displays current state and other information (Fig .6, 7, col. 15, lines 18-30).

11. Claims 55 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al. (6,636,197) as applied to claim 54 above, and further in view of lesaka (US 2003/0201971 A1).

For claims 55 and 58, Goldenberg does not specifically disclose a graphic display of the cursor is variable as a function of at least one of the active display area and of an active application and an active menu level; at least one of a colored display and a shape and a size of the cursor can be changed as an independently graphically displayed object on the screen. However, it is well known in the art to have a variable graphic display including different color, shape and size of cursor while the cursor is in an active display area, field, options or menu item, for example when a cursor is on a hyperlink for representing the activities and options of the cursor available that is a matter of design choice to assign appropriate and easy to understand cursor activities to indicate functions and actions. Iesaka discloses changing the appearance of a cursor including the shape, size and color with respect to different display area of an active application (Fig. 11, paragraph 0072).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SZE-HON KONG whose telephone number is (571)270-1503. The examiner can normally be reached on 7:30AM-5PM Mon-Fri, Alt. Fri. Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/25/11

/Sze-Hon Kong/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661